

P.O.S.T. BOARD MEETING
RECORD OF PROCEEDINGS
March 7, 2008

The Peace Officer Standards and Training Board held its 362nd Board meeting at the Department of Law in Denver, Colorado with the following in attendance:

BOARD MEMBERS

SHERIFF JAMES ALDERDEN
CHIEF AL BELL
SHERIFF JAMES BEICKER
CHIEF HEATHER A. COOGAN
SERGEANT LOUIS DIXON III
SHERIFF JAMES FAULL
COMMISSIONER SARA J. FISHER
CHIEF DENNIS HARRISON
CHIEF JOHN PATTERSON
SHERIFF JOE PELLE
PUBLIC MEMBER BOB PENCE
CHIEF PAUL D. SCHULTZ
ATTORNEY GENERAL JOHN SUTHERS
OFFICER NEAL TYLER
SHERIFF LOUIS VALLARIO
EXECUTIVE DIRECTOR PETER WEIR

BOARD MEMBERS ABSENT

SHERIFF STAN HILKEY (excused)
INTERIM SAC COREY NELSON (excused)
CHIEF GERALD WHITMAN (excused)

BOARD COUNSEL

DIANE MARIE DASH, Assistant Attorney General

STAFF MEMBERS

JOHN KAMMERZELL, P.O.S.T. Director
STEVE ZOTOS, P.O.S.T. Deputy Director/Training Manager
RUTH VANDERBROEK, P.O.S.T. Compliance Officer
CRISTINE MACK, P.O.S.T. Investigator
MARY O'SHEA, Training Program Coordinator
LISA TONEY, Administrative Assistant

MEMBERS OF THE PUBLIC IN ATTENDANCE

PHIL BACA, Commerce City Police Department
MINER BLACKFORD, Otero Junior College
ROD CONNER, Colorado Northwestern Community College Academy
TONY DATTILO, Colorado Division of Adult Parole
GRAHAM DUNNE, Aurora Police Department
ERIC GONZALES, Pueblo Police Department
KEN HILTE, Pikes Peak Community College Police Department
SCOTT JARMIN, Brighton Police Department
ED KAFEL, El Paso County Sheriff's Office
DONN KRAEMER, Lakewood Police Department
CATHY LABRECQUE, El Paso County Sheriff's Office
KRISTI MCDONALD-QUINTANA, Colorado State Parks
MICHAEL T. MCINTOSH, Adams County Sheriff's Office
TODD QUICK, La Junta Police Department
KARL SMALLEY, Adams County Sheriff's Office
RICHARD STENSGAARD, Denver Police Department
MIKE WALKER, Denver Police Department
RICH WEBB, Jefferson County Sheriff's Office

The following Subject Matter Expert Committees met prior to the regular P.O.S.T. Board meeting on March 7, 2008.

Arrest Control Committee
Curriculum Committee
Firearms Committee
Driving Committee

Introductions:

1. Welcome Attorney General John W. Suthers
2. Introduction of New Board Members – Interim FBI SAC Cory Nelson, Adams County Sheriff's Sergeant Louis A. Dixon III

Attorney General Suthers introduced and welcomed new Board member Sgt. Louis Dixon III of the Adams County Sheriff's Office.

Director Kammerzell stated that the Interim SAC Cory Nelson had recently been transferred and that new SAC Jim Davis would be introduced at the next Board meeting.

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B. Firearms

Parks Assistant Regional Manager
Kristi McDonald-Quintana, Chairwoman

Parks Manager Quintana stated in the last three months the committee has approved six and denied two full skills instructors. The committee approved 47 assistant skills instructors and denied five.

Parks Manager Quintana reported that all denied individuals were from Northeastern Junior College in Sterling, but the committee had approved the firearms program and range site for that program.

Parks Manager stated the committee approved the program, site and safety plan for the Pikes Peak Academy.

Parks Manager Quintana reported the committee completed two inspections, the Denver Police Department was rated as good, and Delta Montrose Vo-Tec was rated as a very good program.

C. Law Enforcement Driving

Sergeant Karl Smalley, Vice-Chairman

Sgt. Karl Smalley reported the committee approved eight full driving instructors and 20 assistant driving instructors.

The committee also approved two new committee members and denied one based on the applicants' lack of agency recommendation/support.

Sgt. Smalley stated a "surprise inspection" was held at the Pikes Peak Community College and the program was rated very good. Sgt. Smalley stated the committee also approved the lesson plan and safety plan for Pikes Peak Community College.

Sgt. Smalley stated the committee reviewed material from Northeastern Junior College and did not approve the lesson plan because it was not up-to-date. Sgt. Smalley stated the driving site and safety plan for that program was approved.

D. Curriculum

Chief Phil Baca, Chairman

Chief Baca reported the committee reviewed the entire lesson plan and curriculum for Northeastern Junior College's academic instruction and found it severely deficient and outdated. The program was sent back to the academy with recommendations.

Chief Baca stated the committee reviewed the entire program for the Pikes Peak Community College Academy and found several deficiencies and that no lesson plan existed. Chief Baca stated there were several required learning objectives that were not met.

Chief Baca reported the new Chief of Police and Co-Director of Pikes Peak C.C., Chief Ken Hilte, did attend the committee meeting and will be making the program changes and recommendations made by the committee.

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Chief Baca stated the committee discussed an issue brought up by committee member Sgt. Graham Dunne, about adding a 2-hour Leadership component to the required hours of the program. Chief Baca stated the issue has not been decided on and is still being discussed.

Chief Baca reported the “committee course evaluation form” that the committee has been developing has been finalized, and if an agency academy or community college academy cares to use this form, it is available upon request.

E. Advanced Officer Training Officer Neal Tyler, Chairman

Officer Neal Tyler stated the committee looked at two programs for approval for in-service training. Neither of the programs were approved for grant funding.

Officer Tyler stated the committee is scheduling another Level 2 Reality Based Training Course for the last week of July at the Colorado Springs Police Department.

Action Items:

8. Peace Officer Certification Revocation Actions Director John Kammerzell

A. P.O.S.T. Rule 9 – Revocation of Peace Officer Certifications – Felony Convictions:

§ 24-31-305 C.R.S. (2005) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. Board if the certificate holder *has been convicted of a felony*, or has been convicted on or after July 1, 2001, of any misdemeanor described in subsection (1.5) of § 24-31-305 C.R.S. (2005), or, has otherwise failed to meet the certification requirements established by the Board. For purposes of this rule, the term ‘conviction’ includes any deferred judgments or deferred sentences imposed by a court or judge.

1. No.07-12, Kelby Reed Kenney, Certification No. B-6648. On August 1, 2007, Respondent pled guilty to and was convicted of one count of Criminal Mischief, § 18-4-501, C.R.S., a class 4 felony. Respondent has failed to comply with P.O.S.T. Show Cause Order 07-12 by failing to appear at the scheduled Show Cause Hearing. Director Kammerzell recommends revocation of Kelby Reed Kenney’s Colorado peace officer certificate No. B-6648.

***Motion made and seconded to revoke
Passed Unanimously***

2. No.07-13 (2), Patrick Laurence Strawmatt, Certification No. 12601. On September 24, 2007, Respondent pled guilty to and was convicted in the *District Court of Park County* of 1 count of Assault in the Second Degree, § 18-3-203(1)(e), C.R.S., a class 4 felony. On September 28, 2007, Respondent pled guilty to and was convicted in the *District Court of Mesa County* of 3 felony counts: Assault in the First Degree – Extreme Indifference, § 18-3-202(1)(c), C.R.S., a class 3 felony; Vehicular Homicide, § 18-3-106(1)(b)(I), C.R.S., a class 3 felony; and, Vehicular Eluding – Resulting in Death, § 18-9-116.5, C.R.S., a class 3 felony. Director Kammerzell recommends revocation of Patrick Laurence Strawmatt’s Colorado peace officer certificate No. 12601.

Motion made and seconded to revoke

Passed Unanimously

B. P.O.S.T. Rule 9 - Revocation of Peace Officer Certifications – Misdemeanor Convictions:

§ 24-31-305 C.R.S. (2005) A Colorado peace officer certification issued pursuant to subsection (1) or (1.3) of this section shall be suspended or revoked by the P.O.S.T. Board if the certificate holder has been convicted of a felony, or has been convicted on or after July 1, 2001, of any misdemeanor described in subsection (1.5) of § 24-31-305 C.R.S. (2005), or has otherwise failed to meet the certification requirements established by the Board. For purposes of this rule, the term ‘conviction’ includes any deferred judgments or deferred sentences imposed by a court or judge. Revocation of peace officer certificates based upon conviction(s) of misdemeanor crimes recognized in § 24-31-305(1.5) (b) thru (h) (2005).

1. No Misdemeanor Revocation Actions

9. P.O.S.T. Sunrise Review Sub-committee - Chief of Police Appointment to replace Chief Al Bell

Director Kammerzell

- A. 2008 Committee - Sheriff Jim Alderden (Chairperson), Sheriff Jim Beicker, **Chief Al Bell**, Chief John Patterson, and Public Member Bob Pence.

Attorney General Suthers stated due to the retirement of Chief Bell, the Sunrise Review Committee needed to replace the appointment with another Chief. Director Kammerzell stated Chief Gerald Whitman of the Denver Police Department has volunteered for the position.

Motion made and seconded to appoint Chief Whitman

Passed Unanimously

Informational Items:

10. 2008 P.O.S.T. Peace Officer Training Project Sub-Committee
Deputy Director Zotos

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A. Report – 2008 Peace Officer Training Project

Deputy Director Zotos stated in the current grant cycle there has been about 60,000 hours of training provided, which puts the total number of hours at approximately 390,000 training hours provided since the project started.

B. FY2008 Grant Process and Timelines

Deputy Director Zotos reported \$720,000 will be allocated at the next budget cycle. Deputy Director Zotos stated all grant applications are due into P.O.S.T. on March 28, 2008.

Deputy Director Zotos stated the committee will be meeting April 14th to discuss and process grant applications. The committee will submit the recommendations at the June P.O.S.T. Board meeting.

11. 2008 P.O.S.T. Legislation - Update Director John Kammerzell

Attorney General Suthers stated the Board was unable to find a legislator to carry a bill that would allow an increase for the P.O.S.T. fee on motor vehicle registrations.

A. House Bill 08-1106 – *Concerning Peace Officers Employed by Institutions of Higher Education*

1. Bill Language
2. History

Director Kammerzell gave an update of House Bill 08-1106 stating the Sunrise Review Sub-Committee approved this Bill to go forward with the clean up of existing language within the statute. Director Kammerzell stated that the Bill has been completed and anticipates passage of the Bill, which should be law within the next week.

B. House Bill 08-1245 – *Concerning Required Reductions in Specified Government-Imposed Means of Raising Fees*

1. Bill Language
2. History

Director Kammerzell reported this Bill (offered by Representative Doug Bruce), which would have decreased all motor vehicle registration fees, was killed in committee.

C. Other Possible Legislation

1. *Federal Special Agents - § 16-2.5-147, C.R.S.*

- a. Colorado law currently provides statutory protections for FBI and ATF Agents. The Federal Protection Services (FPS) will pursue legislation, which will add *FPS Agents and Officers* to the existing Federal Special Agents statute.

Director Kammerzell stated that House Bill 08-1348 has been brought forth by the Federal Protective Service (FPS). The FPS's officers and agents will be added to the existing language in statute § 16-2.5-147. This Bill is moving forward and will be heard March 12, 2008.

2. *Request for Temporary Assignment of Police Officers or Deputy Sheriffs – § 29-5-104, C.R.S.*

- a. Temporary revision to the statute to allow Denver to enter into an intergovernmental agreement with agencies from bordering states.

Director Kammerzell stated House Bill 08-1347 will be created for the purpose of the Democratic National Convention being held in Colorado. This Bill allows bordering states' law enforcement to participate during this time and will sunset the day the convention has ended.

Director Kammerzell reported on House Bill 08-1147, concerning the witness protection training by the witness protection Board. Director Kammerzell stated the Witness Protection Board will create a program and provide it to P.O.S.T. for availability for all law enforcement in the state.

Director Kammerzell stated House Bill 08-1351 was introduced and assigned to House Judiciary concerning the preservation of DNA evidence.

Director Kammerzell stated the Bill included language that will require Colorado P.O.S.T. to provide the proper DNA collection and retention training to Colorado Peace Officers. The Bill currently requires the training to be available on or before August 1, 2008. Director Kammerzell stated that due to the Board process for implementation of training and rules, this implementation would be problematic for the Board and academies.

12. Report to the Board – Edgar Antillon's Appeal of Denial as a Result of Misdemeanor Conviction

Director John Kammerzell

Director Kammerzell reported that he had denied a variance request by Mr. Antillon, and then appealed to the entire Board. His appeal was denied unanimously by the Board members.

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13. P.O.S.T. Peace Officer Records Scanning Project Director John Kammerzell
Deputy Director Steve Zotos

A. Project Update and Report

Director Kammerzell stated P.O.S.T. had been recognized by the Department of Personnel and Administration in their February 2008 newsletter regarding the scanning process of over 450,000 documents of peace officer records.

Deputy Director Zotos stated P.O.S.T. had identified about 30,000 peace officer records in two databases and through this process discovered about 3,700 records never recorded in any database.

14. P.O.S.T. CDOT/NHTSA Grant and Projects Update Director Kammerzell

A. Special Presentation - Internet Training Project
Deb Wilke, Project Coordinator

Ms. Wilke demonstrated the anti-bias on-line training system, adding that not only will this be a learning process for individuals, but also the individual will answer each question with confidence.

B. Colorado Regional Community Policing Institute (CRCPI) Project

1. 8-Hour Supervisor's Course

Director Kammerzell stated he spoke with Sandy Sayre from CRCPI and they expect the project to be available within the next few months.

C. P.O.S.T. ID Card Project

Director Kammerzell stated that following the completion of the scanning project, P.O.S.T. will begin issuing the ID cards.

15. P.O.S.T./Academy Directors Meeting – May 14, 2008 Director Kammerzell

A. Hosted by Director John Reece, Western Colorado Peace Officers Academy,
Grand Junction, Colorado.

16. Comments from others on P.O.S.T. Issues

None

17. 2008 P.O.S.T. Board Meeting Schedule

A. 2008 Meeting Dates:

Friday, June 20, 2008 – Colorado Department of Law

Thursday and Friday, September 18 and 19, 2008 – Canon City, Colorado

Friday, December 5, 2008 – Colorado Department of Law

Next P.O.S.T. Board Meeting Friday, June 20, 2008
Board Meeting (10:00 a.m.) - S.M.E. Meetings (8:00 a.m.)
Colorado Department of law
1525 Sherman Street, 2nd Floor
Denver, CO 80203